



JPW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Karsten Friedrich KEIDEL et al.

Group Art Unit: 3728

Application No.: 10/780,580

Examiner: J. KAVANAUGH

Filed: February 19, 2004

Docket No.: 118606

For: WATERPROOF SHOE STRUCTURE WITH FOLDED INTERIOR UPPER

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

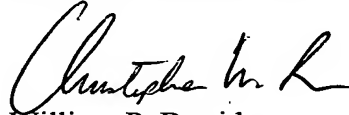
In reply to the November 4, 2005 Election of Species Requirement, Applicants provisionally elect species 1 (Figure 1) with traverse. At least claims 1-3, 7, 11 and 15 read on the elected species, and at least claims 1-3, 7, 11 and 15 are generic to all species.

It is respectfully submitted that the subject matter of all of the species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Finally, Applicants note that upon allowance of the generic claims, all of the remaining species should also be allowed, the number of additional species recited in the claims certainly being no more than a reasonable number.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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Date: November 22, 2005

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